

NOTICE OF PENDING FLSA LAWSUIT THAT MAY AFFECT YOUR RIGHTS

IMPORTANT NOTICE TO CURRENT AND FORMER PELOTON EMPLOYEES

TO:

All current and former Peloton Employees who worked in the following roles at any time since January 27, 2019:

Showroom Employees who worked in the following roles: Sales Associates, Sales Professionals, Sales Specialists, and Assistant Showroom Managers.

Inside Sales Employees who worked in the following roles: Account Executives, Account Associate, Account Associate Lead, Team Lead, Inside Sales, and Supervisor, Inside Sales.

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If you worked on a remote, work-from-home basis, in one of the above-listed sales positions, you are included within the class definitions alleged in the complaint and have a right to join this action.

ABOUT:

Your right to join a collective action lawsuit seeking to recover unpaid overtime compensation for the individuals in the job roles listed above.

PURPOSE OF THIS NOTICE

- Inform you of your rights to join a collective action lawsuit against Peloton in which you are potentially “similarly situated” to the named Plaintiffs;
- To advise you of how to participate should you choose to do so; and
- Advise you of how your rights under the Fair Labor Standards Act (“FLSA”) may be affected by this action.

EXHIBIT

A

PELOTON EMPLOYEE FLSA LAWSUIT

DESCRIPTION OF THE ACTION

On January 28, 2022, Joseph Mateer filed an action against Peloton to recover unpaid overtime compensation, liquidated damages, and attorneys' fees and costs under the Fair Labor Standards Act ("FLSA"). On April 19, Christopher Branchcomb and Katharine Johnson joined the action to represent Peloton's salesforce employees who worked for Peloton in certain sales positions from January 27, 2019, through the present.

These former Peloton employees allege that they and similarly-situated sales personnel were subject to a company-wide policy where only pre-approved overtime would be paid, despite the fact that they worked off-the-clock to meet sales quotas without receiving overtime compensation for the work. They assert that they are entitled to be paid for this uncompensated overtime.

Peloton has denied these charges. It asserts that Peloton has complied with the law and that it has paid its employees all of the compensation to which they are entitled under the law.

The right to recover these wages for any employees has not been established and is not guaranteed or certain. But you have a right to participate in this action.

YOUR RIGHT TO PARTICIPATE IN THIS ACTION

If you were employed by Peloton at a showroom as a sales associate, sales professional, sales specialist, assistant showroom manager; or as an account executive or team lead, inside sales; or you performed remote sales on a work-from-home basis in one of these sales positions; at any time between January 27, 2019, through the present, you have a right to participate in this action.

But if you wish to file a claim for your unpaid compensation, you must fill out the form below to join.

WHAT DO I NEED TO DO?

If you want to join this action for unpaid overtime compensation, you must consent to join. There are seven ways you can do that. Choose one:

- **Option 1:** Scan the QR Code. View this notice and sign the consent form online.

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OR

- **Option 2:** To receive a copy on your phone, computer, or other mobile device, email jrhowell@jrlegalstrategies.com with the message “Peloton Lawsuit.”
- **Option 3:** Print, Sign, and Mail the consent form on Page 6.

OR

- **Option 4:** Text a picture of the signed consent form to: xxx-xxx-xxxx;

OR

- **Option 5:** E-mail a copy of the signed consent form to classactions@crklaw.com;

OR

- **Option 6:** Fax the signed consent form to xxx-xxx-xxxx.

OR

- **Option 7:** Call xxx-xxx-xxxx to request more information or email jrhowell@jrlegalstrategies.com.

The signed consent forms must be received or postmarked by Day, Month, Date, 2022. It is important that you return the Forms as soon as possible because the time period for which you can seek payment for your unpaid wages will depend on when the Consent Form is filed with the Court. If you have any questions about the forms, you may contact the attorneys at xxx-xxx-xxxx or xxx-xxx-xxxx.

PELOTON EMPLOYEE FLSA LAWSUIT

NO RETALIATION PERMITTED

The law prohibits Peloton from firing, discriminating, or retaliating against you for joining this action. If you believe that you have been retaliated against in any way, please contact Plaintiffs' counsel at xxx-xxx-xxxx or xxx-xxx-xxxx.

EFFECT OF JOINING THIS ACTION:

If you choose to join this case, you will be bound by the Court's judgment, whether it is favorable or unfavorable. You will also be bound by, and share in, any settlement that may be reached on behalf of the class. By joining this case:

- You designate the lead Plaintiffs as your agents to make decisions on your behalf concerning the litigation, and the method and manner of conducting the litigation;
- You become subject to the contingency fee agreement agreed to by the lead Plaintiffs concerning attorneys' fees and costs, which states that if there is a recovery, costs expended by attorneys on your behalf will be deducted from your settlement or judgment. Plaintiffs' counsel will request an award of reasonable attorneys' fees and costs to be paid by Peloton on your behalf, which would be part of your total recovery. Fees retained by Plaintiffs' counsel will be the greater of either the amount of attorneys' fees received from Peloton or thirty-three and one-third percent (33-1/3%) of your total recovery. There will be no attorneys' fees or costs charged to you if there is no recovery in the case.
- You may be required to answer certain inquiries, under oath from Plaintiffs and Peloton, including requests for information about your employment (such as pay, job duties, and hours of work), as well as requests for documents in your possession relating to your Peloton employment.

NO LEGAL EFFECT IN NOT JOINING THIS ACTION

If you choose not to join this case, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable to the class. You will not be entitled to share any amounts recovered by the class. You will be free to file your own lawsuit; however, the pendency of this action will not stop the running of the statute of limitations as to any claims you may have until you file your own lawsuit.

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PELOTON EMPLOYEE FLSA LAWSUIT

IF YOU JOIN, THESE WILL BE YOUR LAWYERS:

If you participate in this action, you will be represented by:

Jason R. Bristol, Esq.
COHEN ROSENTHAL & KRAMER LLP
3208 Clinton Avenue
One Clinton Place
Cleveland, Ohio 44113
Phone: 216-815-9500
Facsimile: 216-781-8061
jbristol@crklaw.com

J.R. Howell, Esq.
THE LAW OFFICE OF J.R. HOWELL
1223 Wilshire Blvd.
P.O. Box 543
Santa Monica, CA 90403
Phone: 202-650-8867
jrhowell@jrhllegalstrategies.com

PELOTON IS REPRESENTED BY:

Harris Mufson, Esq.
Danielle Moss, Esq.
Hayley Fritchie, Esq.
Stephanie Silvano, Esq.
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166-0193

FURTHER INFORMATION

Further information about this Notice or the action may be obtained from Plaintiffs' counsel at xxx-xxx-xxxx or xxx-xxx-xxxx. The call is free and confidential.

THIS NOTICE HAS BEEN AUTHORIZED BY JUDGE LORNA G. SCHOFIELD OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFFS' CLAIMS OR OF PELOTON'S RESPECTIVE DEFENSES.

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PELOTON EMPLOYEE FLSA LAWSUIT

CONSENT TO JOIN FEDERAL FAIR LABOR STANDARDS ACT ACTION

I hereby consent, agree, and opt-in to be a party Plaintiff in *Mateer, et al. v. Peloton Interactive*, No. 1:22-cv-00740, in the United States District Court for the Southern District of New York, pursuant to the terms and conditions contained in the Notice I received with regard to that action. I agree to be represented by Cohen Rosenthal & Kramer LLP and the Law Office of J.R. Howell. I understand that by filing this consent, I will be bound by the judgment of the Court on all issues in this case.

Full Legal Name (Print)

/s/_____
Signature

Date

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PELOTON EMPLOYEE FLSA LAWSUIT

CONFIDENTIAL CLIENT INFORMATION SHEET

**THIS INFORMATION IS FOR PLAINTIFFS' COUNSEL ONLY
AND WILL NOT BE MADE PUBLIC.**

Name:

Address:

Telephone Numbers:

E-Mail:

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